

The yeas and nays were demanded, and the roll called through, when Senator Finlay arose to a point of order, viz., that Senator Tracy, being interested in the question at issue, had no right to vote.

The Chair decided that upon the main question he had no right to vote, but had a right under parliamentary rules to vote on all preliminary questions, from which decision Senator Finlay appealed, and Senator Ruby moved to lay the appeal on the table, which was carried by the following vote:

Yeas—Senators Baker, Broughton, Cole, Dillard, Dohoney, Ford, Flanagan, Fountain, Gaines, Hall, Latimer, Pyle, Rawson, Randle, Ruby, Swift and Tendick—17.

Nays—Senators Avinger, Ball, Evans, Finlay, Henry, King, Sayers, Shelley and Word—9.

The yeas and nays on Senator Broughton's motion, to postpone a vote on the question of the first part of the resolution of the committee, recited above, until 10½ o'clock Monday next, was announced as follows:

Yeas—Senators Baker, Broughton, Cole, Ford, Flanagan, Fountain, Gaines, Hall, Pyle, Rawson, Randle, Ruby and Tendick—13.

Nays—Senators Avinger, Ball, Dillard, Dohoney, Evans, Finlay, Henry, King, Latimer, Sayers, Shelley, Swift, Word and Mr. President—14.

When Senator Tracy's name was called he declined to vote.

On motion of Senator Broughton, the Senate adjourned until 9½ o'clock A. M. to-morrow, by the following vote:

Yeas—Senators Baker, Broughton, Cole, Ford, Flanagan, Fountain, Gaines, Hall, Pyle, Rawson, Randle, Ruby, Tendick and Tracy—14.

Nays—Senators Avinger, Ball, Dillard, Dohoney, Evans, Finlay, Henry, King, Latimer, Sayers, Shelley, Swift, Word and Mr. President—14.

SENATE CHAMBER,
AUSTIN, TEXAS, April 18, 1873. }

Senate met pursuant to adjournment Roll called;
quorum present. Prayer by the chaplain.

On motion of Senator Pyle, the reading of the journal of yesterday was dispensed with.

A special committee from the House, consisting of Messrs. Ireland, Sabin, Sayers, Bewley and Payne, was announced, who presented the following message:

MR. PRESIDENT: In obedience to the order of the House of Representatives, we appear before you, and in the name of the House of Representatives, and of all the people of the State of Texas, we do impeach John G. Scott, Judge of the Tenth Judicial District of the State of Texas, of high crimes and misdemeanors in office; and we further inform the Senate that the House of Representatives will in due time exhibit particular articles of impeachment against him, and make good the same; and in their name we demand that the Senate take order for the appearance of the said John G. Scott to answer said impeachment.

The President acknowledged the reception of the communication, and informed the committee that the Senate would take proper order therein, of which due notice would be given to the House of Representatives.

Senator Shelley then offered the following resolution, which was adopted:

Resolved, That the message of the House of Representatives, relative to the impeachment of John G. Scott, Judge of the Tenth Judicial District of the State of Texas, be referred to a select committee of three, to be appointed by the President, to consider the same and report thereon.

The President appointed the following committee, viz: Senators Shelley, Finlay and Fountain.

Senator Swift, chairman of the Committee on Claims and Accounts, submitted the following reports:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Claims and Accounts, to whom was referred House bill No. 211, "An act making an appropriation for C. R. Gibson," have had the same under careful consideration, and I am instructed by the committee to report it back to the Senate and recommend its passage.

W. H. SWIFT, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Claims and Accounts, to whom was referred House bill No. 223, "An act for the

relief of A. T. Watts," have had the same under careful consideration, and I am instructed to report it back to the Senate and recommend its passage.

W. H. SWIFT, Chairman.

Senator Shelley introduced a bill to be entitled "An act to incorporate the Austin and Colorado Valley Water Works and Irrigation Company, and to provide a method to aid said company in the accomplishment of the object of its creation." Read first time and referred to the Committee on Internal Improvements.

Senator Avinger introduced a bill to be entitled "An act to incorporate the Lake City Navigation Company, and to aid in the improvement of the navigation of Big Cypress Bayou." Read first time and referred to the Committee on Internal Improvements.

The Senate then proceeded to consider the unfinished business, which being the adoption of the first resolution reported by members of the Committee on Privileges and Elections, being the same which was pending when the Senate adjourned yesterday.

On motion of Senator Fountain, a call of the Senate was ordered.

Upon calling the roll it appeared that the Senate was full, and the question upon the adoption of the resolution was put.

The yeas and nays were called, and the Senate refused to adopt the resolution by the following vote:

Yeas—Senators Avinger, Ball, Dohoney, Henry, King, Latimer, Sayers, Shelley, Swift, Word and Mr. President—11.

Nays—Senators Baker, Broughton, Cole, Flanagan, Fountain, Gaines, Hall, Pyle, Rawson, Randle, Ruby and Tendick—12.

When the names of Senators Dillard and Finlay were called, they announced that they had paired off on the question, but would have voted for the adoption of the resolution but for the fact of being paired off.

Senator Broughton moved to postpone the several other resolutions reported upon the matter of contest. Carried by the following vote:

Yeas—Senators Baker, Broughton, Cole, Flanagan, Fountain, Gaines, Hall, Pyle, Rawson, Randle, Ruby, Tendick and Word—13.

Nays—Senators Avinger, Ball, Dohoney, Henry, King, Latimer, Sayers, Swift and Mr. President—9.

The following veto message was taken from the President's desk and read:

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, April 16, 1873.

Hon. E. B. Pickett, President of the Senate:

SIR: I respectfully return to the Senate, where it originated, the act entitled "An act to incorporate the Texas Library and Publishing Company."

This act proposes to make the Governor and the Superintendent of the Blind Asylum members, in their official capacity, of a corporation gotten up apparently for purely private purposes.

And I call the attention of the Senate especially to the strange provisions of section four, which seems to look to an engagement on the part of the State, through its officers, to carry on a system of musical concerts.

Probably this act, among the crowd of private legislation with which the calendars of the Senate and House are encumbered, has slipped through without notice of its absurd provisions.

I respectfully ask that the same be reconsidered.

Very respectfully,

EDMUND J. DAVIS, Governor.

On motion of Senator Ruby, House bill No. 340, "An act to ascertain the amount due teachers of public free schools of the State prior to the first day of March, 1873, and to provide for the payment of the same," with amendments by the Senate, to which the House had refused to agree, was taken up, and the Senate adhered to its amendments, and appointed Senators Shelley, Ruby, and Dohoney a committee of conference on the disagreement between the two houses.

The hour having arrived for the special order, the same was taken up, being the apportionment bill.

On motion of Senator Shelley, the Senate resolved itself into a committee of the whole to consider the bill.

Senator Shelley in the chair.

The committee rose, reported progress, and asked to be discharged.

Report adopted.

Senator Finlay moved that the apportionment bill be referred to a select committee of five, with instructions to report the bill back to-morrow morning, and that it be made the special order from day to day until disposed of.

The motion was adopted, and the President appointed the following committee, viz., Senators Finlay, Dohoney, Fountain, Broughton and Swift.

Senator Latimer, chairman of the Committee on Enrolled Bills, submitted the following report :

Hon. E. B. Pickett, President of the Senate :

SIR: Your Committee on Enrolled Bills would respectfully report that they have carefully examined and compared Senate bill No. 74, entitled "An act to incorporate the city of Lampasas, in the county of Lampasas."

Senate bill No. 272, "An act for the relief of Stephen F. Minton, requiring the Commissioner of the General Land Office to issue certain land certificates to him."

And find the same correctly enrolled.

H. R. LATIMER, Chairman.

House concurrent resolution expressing sympathy for the people of our sister State of Louisiana, was then taken up.

Senator Tracy offered the following amendment, viz.: Amend by inserting after "the two houses," "that we sympathize with the families of those unfortunate colored citizens who were murdered at the recent riot in Grant parish.

Senator Broughton moved to lay the amendment on the table.

Carried by the following vote :

Yeas—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Finlay, Flanagan, Henry, King, Latimer, Pyle, Sayers, Shelley, Swift, Tendick, Word and Mr. President—18.

Nays—Senators Baker, Ford, Fountain, Gaines, Hall, Rawson, Randle, Ruby and Tracy—9.

Senator Gaines then moved to lay the resolution on the table.

Senator Tracy moved a call of the Senate. Call sustained.

Absent—Senator Randle.

The Senate being full upon the appearance of Senator Randle, the call was suspended.

The question recurring upon the adoption of the motion offered by Senator Gaines to table the resolution, the same was put and lost by the following vote :

Yeas—Senators Baker, Flanagan, Fountain, Gaines, Rawson, Randle, Ruby, Tendick and Tracy—10.

Nays—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Finlay, Henry, King, Latimer, Pyle, Sayers, Shelley, Swift, Word and Mr. President—16.

When the name of Senator Ford was called, he announced that he had paired off on all political questions, but would have voted for the adoption of the motion to table the resolution but for the fact of being paired off.

Senator Fountain offered the following substitute for the resolution :

Resolved by the Senate, the House concurring, That we view with feelings of regret the unfortunate and deplorable condition of our sister State of Louisiana, and we hereby extend to the people of that State our warmest sympathies.

Senator Broughton moved to lay the substitute on the table, which was adopted by the following vote :

Yeas—Senators Avinger, Ball, Broughton, Cole, Dohoney, Finlay, Henry, King, Latimer, Pyle, Sayers, Shelley, Swift, Word and Mr. President—15.

Nays—Senators Baker, Flanagan, Fountain, Gaines, Hall, Rawson, Ruby, Tendick and Tracy—9.

Senators Dillard and Ford not voting.

Senator Finlay moved the previous question. Carried.

The main question, viz., the adoption of the resolution, was then put, and the resolution adopted by the following vote :

Yeas—Senators Avinger, Ball, Cole, Dohoney, Finlay, Henry, King, Latimer, Pyle, Sayers, Shelley, Swift, Word and Mr. President—14.

Nays—Senators Baker, Flanagan, Fountain, Gaines, Hall, Rawson, Randle, Ruby, Tendick and Tracy—10.

Senators Dillard and Ford, being paired off, did not vote.

Senator Fountain offered the following resolution :

Resolved, That at 12 o'clock to-morrow, the Senate will resolve itself into a court of impeachment, at which time the following oath or affirmation shall be administered by the Secretary to the President of the Senate, and by him to each member of the Senate, to-wit: "I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment of J. G. Scott, Judge of the Tenth Judicial District, I will do impartial justice, according to law;" which court of impeachment, being thus formed, will, at the time afore-

said, receive the managers appointed by the House of Representatives to exhibit articles of impeachment in the name of themselves, and of all the people of the State of Texas, against J. G. Scott, Judge of the Tenth Judicial District, pursuant to notice given this day by the House of Representatives.

Resolved, That after the managers of the impeachment shall be introduced to the bar of the Senate, and shall signify that they are ready to exhibit articles of impeachment against John G. Scott, the President of the Senate shall direct the sergeant-at-arms to make proclamation; who shall, after making proclamation, repeat the following words: "All persons are commanded to keep silence, on pain of imprisonment, while the grand inquest of the State is exhibiting to the Senate of the State of Texas articles of impeachment against John G. Scott, Judge of the Tenth Judicial District," after which the articles shall be exhibited, and then the President of the Senate will take proper order on the subject of the impeachment, of which due notice shall be given to the House of Representatives.

On motion of Senator Finlay, the resolution was referred to a special committee.

A message was received from the House informing the Senate that the House had passed the following bills:

House bill No. 538 "An act to establish and organize the county of Neches."

House bill No. 671, "An act to incorporate the Mechanics' Real Estate and Savings Association of Dallas."

House bill No. 722, "An act to create and provide for the organization of the county of Dillard."

House bill No. 536, "An act to change and define the boundary lines of Trinity county, and to provide for the further organization of the same."

House bill No. 306, "An act to exempt certain property therein named from forced sale."

House bill No. 391, "An act to prevent the gift or sale of intoxicating liquors within two miles of Garden Valley Seminary, in Smith county."

House bill No. 522, "An act to prohibit the sale of intoxicating liquors within four miles of Bosqueville Male and Female College, situated at Bosqueville, in McLennan county."

House bill No. 392, "An act to incorporate the Garden Valley Seminary, in Smith county."

House bill No. 517, "An act supplemental to an act to incorporate the Western Narrow Gauge Railroad Company, approved August 4, 1870, and an act supplemental thereto, approved October, 1871."

House bill No. 727, "An act to prohibit the sale of intoxicating liquors within three miles of Raxon Chapel Seminary, in Lamar county."

House joint resolution for the relief of Rufus A. Upton, late sheriff of Refugio county.

Also, asking leave of the Senate to withdraw Senate bill No. 272, "An act for the relief of Stephen F. Minton." Leave granted and the bill withdrawn.

On motion of Senator Dohoney, the rules were suspended to take up out of its order House bill No. 395, "An act amendatory of and supplemental to an act concerning private corporations, approved December 2, 1871." The bill was read second time and passed to third reading; rules suspended, read third time and passed.

House bill No. 261, "An act to amend an act entitled an act to adopt and establish a penal code for the State of Texas, approved August 26, 1856," together with the report of the committee recommending amendments, taken up, and report adopted.

The bill, as amended, was then read second time; rules suspended, read third time and passed.

House bill No. 155, "An act for the protection of the farming interests of the State," was taken up, read second time, and on motion of Senator Dohoney, referred to Judiciary Committee No. 1, and one hundred copies ordered printed.

House bill No. 93, "An act to better provide for the protection of agricultural interests," was read second time and passed to third reading; rules suspended, read third time and passed.

House bill No. 92, "An act to amend an act amendatory of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved May 8, 1871," was taken up.

Senator Sayers offered the following amendment, viz.: Amend by inserting after the word "resides," in line fifteen, section one, the words, "or where the rent is to be paid or delivered." Adopted.

The hour having arrived for the special order, viz., the consideration of bills of a private nature, Senator Broughton moved to postpone the same. Lost.

The special order was taken up.

Senator Avinger called up Senate bill No. 144, "An act to incorporate the Real Estate, Building and Savings Association of Dallas, Texas." The bill was read second time and ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Dohoney, Cole, Ford, Finlay, Flanagan, Fountain, Gaines, Hall, Henry, King, Latimer, Randle, Ruby, Sayers, Shelley, Swift, Tracy and Word—22.

Senator Baker called up House bill No. 517, "An act supplemental to an act to incorporate the Western Narrow Gauge Railway Company, approved August 4, 1870, and an act supplemental thereto, approved October 13, 1871." The bill was referred to the Committee on Internal Improvements.

Senator Ball called up House bill No. 287, "An act authorizing the County Court of Bosque county to levy a tax for the purpose of building a court house and jail." The bill was read second time and passed to a third reading; rules further suspended, read third time and passed.

Senator Broughton called up House bill No. 552, "An act to incorporate the Bridgeport Bridge Company, in Wise county."

Senator Broughton offered the following amendment, viz.: In section three strike out "free" and insert the word "private." Adopted.

The bill was read second time and passed to a third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Broughton, Dillard, Dohoney, Ford, Finlay, Flanagan, Fountain, Gaines, Hall, Henry, King, Latimer, Ruby, Sayers, Shelley, Swift, Tracy and Word—22.

Senator Cole called up Senate bill No. 243, "An act for the relief of S. B. Buckley, late Assistant State Geologist." The bill was read second time and ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Ford, Finlay, Flanagan, Fountain, Gaines, Hall, Henry, King, Latimer, Ruby, Sayers, Shelley, Swift, Tendick, Tracy and Word—22.

Senator Dillard called up Senate bill No. 47, "An act

for the relief of the heirs and assigns of Wm. Stephens, deceased." The question being, Shall the vote refusing to pass the bill be reconsidered? pending which, on motion of Senator Latimer, the Senate adjourned to 10 o'clock A. M. to-morrow.

SENATE CHAMBER,
AUSTIN, TEXAS, April 19, 1873.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Avinger, the reading of the journal of yesterday was dispensed with.

Senator Shelley, chairman of the Committee on Finance, submitted the following reports:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Finance, to whom was referred House bill No. 708, to be entitled "An act to authorize the County Court of Refugio county to levy a tax to build a court house and jail at the county seat," have carefully considered the same, and I am instructed to report it back with the accompanying amendment, and as amended recommend its passage.

Amend by inserting after the word "annually" the words "for the years 1873, 1874 and 1875."

N. G. SHELLEY, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Finance, to whom was referred House bill No. 446, to be entitled "An act to authorize the Police Court of Burnet county to issue coupon interest-bearing bonds for the building of a court house for said county, and to levy a tax for the same," have carefully considered the bill, and I am instructed to report it back and recommend that it do pass.

N. G. SHELLEY, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Finance, to whom was referred House bill No. 382, to be entitled, "An act to repeal an act to legalize an ordinance adopted on the twelfth day of December, 1868, authorizing a special tax to be levied for the Waco Tap Railroad in Falls and McLennan counties, approved June 18, 1870," have care-